

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

IN RE:

Boyd Shane Collie

Debtor(s).

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Boyd Shane Collie

Movant(s),

Vs.

American General Finance, Inc.

Reponent.

CHAPTER 7

CASE NO.: 04-43621 pwb

JUDGE: BONAPFEL

**MOTION TO AVOID LIEN**

The Motion of Movant respectfully presents:

1.

Movant files this Motion pursuant to 11 U.S.C. Section 522(f) and Bankruptcy Rule 4003(d) to avoid the nonpossessory, nonpurchase money lien on certain of Movants' personal property.

2.

The existence of the Respondent's lien on Movant's personal property impairs exemptions allowed to the Movants pursuant to 11 U.S.C. Section 522(b) and O.C.G.A. 44-13-100(A) (1)(4) and (6).

WHEREFORE, Movants pray for judgment against the Respondent for the cancellation and avoidance of the nonpossessory, nonpurchase lien on the personal property, to the extent said security interest impairs exemptions allowed to the Movants pursuant to 11 U.S.C. Section 522(b) and O.C.G.A. 44-13-100 (a)(1)(4) and (6), and for such other and further relief as is just.

Respectfully submitted,

/S/-----

Brian R. Cahn

Attorney for Movant/Debtor

GA Bar No.: 101965

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**NOTICE OF REQUIREMENT OF RESPONSE**  
**TO MOTION OT AVOID LIEN ON EXEMPT PROPERTY AND OF TIME TO**  
**FILE SAME**

**NOTICE IS HEREBY GIVEN** that a Motion to Avoid Lien on exempt property pursuant to 11 U.S.C. Section 522 has been filed in the above styled case on **November 9, 2004.**

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2, the Respondent must file a response to the Motion within 20 days after service, exclusive of the day of service, and serve a copy of same on Movant. In the event that no response is timely filed and served, then the Bankruptcy Court may enter an Order granting the relief sought.

This   9   day of  November , 2004

Respectfully submitted,

/S/ \_\_\_\_\_

Brian R. Cahn

Attorney for Movant

GA Bar No.: 101965

102 North Bartow Street  
Cartersville, GA 30120  
(770) 386-4752

**CERTIFICATE OF SERVICE**

The undersigned, Brian R. Cahn of 102 North Bartow Street, Cartersville, GA 30120 hereby certifies:

That I am, and at all times hereinafter mentioned was more than 18 years of age, and that I served a copy of the within and foregoing "Motion to Avoid Lien" filed in this bankruptcy matter on the following:

**L. Lou Allen**

Eells & Allen LLC  
Suite 181  
The Oglethorpe Building  
2971 Flowers Road South  
Atlanta, GA 30341-4147

American General Finance, Inc.  
Registered Agent: Alan W. Connell ESQ  
P.O. Box 881 BK of Upson Bldg.  
Thomaston, GA 30286

The Respondent in this Bankruptcy matter, by U.S. First Class Mail: I certify under penalty of perjury that the foregoing is true and correct.

This \_\_\_\_9\_\_ day of \_November\_\_\_\_\_, 2004

/S/\_\_\_\_\_  
Brian R. Cahn  
Attorney for Movant/Debtor  
GA Bar No.: 101965

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Cartersville, GA 30120  
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